



Comptroller General  
of the United States  
Washington, D.C. 20548

Thomas

## Decision

Matter of: Ceres Environmental Services, Inc.

File: B-266355

Date: October 4, 1995

### DECISION

Ceres Environmental Services, Inc. protests the terms of invitation for bids No. DACA67-95-B-0067 issued by the Department of the Army.

We dismiss the protest because the initial protest to the agency was not timely filed. Bid opening occurred on August 31, 1995. Ceres's agency-level protest was filed September 1. The instant protest was filed September 29, after the receipt of the agency's September 20 response to the agency-level protest.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. Under these rules, protests based on alleged improprieties in a solicitation must be filed prior to bid opening or the time established for receipt of proposals. Protests not based upon alleged improprieties in a solicitation must be filed no later than 10 working days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2). Further, our Regulations provide that a matter initially protested to the agency will be considered only if the initial protest to the agency was filed within the time limits for filing a protest with our Office. 4 C.F.R. § 21.2(a)(3); Tandy Constr., Inc., B-238619, Feb. 22, 1990, 90-1 CPD ¶ 206.

These timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.-Request for Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent those rules from becoming meaningless, exceptions are strictly construed and rarely used. Id.

The protest is dismissed.

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